APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,128	01/13/2004	John William Barrs II	AUS920031019US1	3271

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EXAMINER
LIN, SHEW FEN

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/756,128	BARRS ET AL.
	Examiner	Art Unit	
	Shew-Fen Lin	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/13/2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *1/13/2004*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detail Action

a. This action is responsive to communications: application filed on 1/13/2004.

b. Claims 1-20 are pending in this Office Action. Claims 1, 9, and 15 are

independent claims.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

Claims 15-20 are not limited to tangible embodiments. In view of Applicant's disclosure,

specification page 17, lines 10-20, the medium is not limited to tangible embodiments, instead

being defined as including both tangible embodiments (e.g. disk, memory) and intangible

embodiments (e.g. radio frequency, light wave). As such, the claims are not limited to statutory

subject matter and are therefore non-statutory. The claim will be favorably considered if

"storage media" replaced the word "medium" in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims

was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham

Mayor ("Automatically Backup Word Documents", 10/18/2003,

http://gmayor.com/automatic_numbering_documents.htm, hereinafter referred as Mayor) in view

of WindowsITPro ("More on Autosave, 6/2003,

http://www.windowsitpro.com/Windows/Article/ArticleID/38842/38842.html).

As to claims 1, 9, and 15, Mayor discloses a system with methods /means / system in a

data processing system for saving session data (backup word documents, title), the method

comprising: responsive to a closing of a session for a program (save document, page 2,

paragraph 3), placing session data associated with the program in a file in a selected location to

form a stored file (define backup path and file name, page 2, paragraph 5, "Sub

SaveToTwoLocations"); and associating an identification with the stored file to identify the

stored file in the selected location (backup file name with path, page 2, paragraph 5, "strFileB").

Mayor discloses the elements of claims 1, 9, and 15 as noted above but does not

explicitly disclose saving data while closing a session.

WindowsITPro discloses automatically save files when closing Word (paragraph 2, lines

1-2).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Mayor's disclosure to include Autosave when closing Word as taught by

WindowsITPro for the purpose of avoiding existing Word without saving the work (paragraph 1,

WindowsITPro). The skilled artisan would have been motivated to improve the invention of

Mayor per the above such that any modification made on document will be saved automatically

on closing/ exiting from Word (paragraph 2, WindowsITPro).

As to claims 2, 10, and 16, Mayor discloses responsive to an indication to save data

generated using the program to a permanent storage ("save" function to save document,

paragraph 7), placing current session data associated with the program in another file in the

selected location to form another stored file (save to two locations, page 2, paragraph 3-5); and

associating another identification to identify the another stored file in the selected location

(backup file name with path, page 2, "strFileB).

As to claims 3, 11, and 17, Mayor discloses wherein the session data includes memory segments related to the session for the program and process information related to the session for the program (both word document data and properties are saved, page 2, paragraph 5).

As to claims 4, 12, and 18, Mayor discloses the elements of claims 1, 9, and 15 as noted above but does not explicitly disclose wherein the closing of the session of the program occurs in response to at least one of a selection of an exit menu option and a window close input.

WindowsITPro discloses the closing of the session of the program occurs in response to an exit from Word (paragraph 1, lines 2-3).

As to claims 5, 13, and 19, Mayor discloses responsive to a selection of the identification of the stored file in the selected location, restoring the session using the stored file (similar to autorecover for word file, select any backup file to restore, page 1, paragraph 2).

As to claims 6, 14, and 20, Mayor discloses the method of claim 5, wherein the restoring step includes: initiating execution of the program using the session data in the stored file (word document properties is saved with the document, select the document will initiate the program and document, page 1, paragraph 2).

As to claim 7, Mayor discloses wherein the selected location is a location used to hold deleted files in a manner that allows for recovery of the deleted files at a later time (backup

directory can be specified in the way that can be used for recovery of the deleted files, page 3,

paragraph 1).

As to claim 8, refer to "As to claims 1, 9, and 15" presented earlier in this Office Action.

Further, Mayor teaches processing unit with memory (disk, page 3, paragraph 1), communication

unit (display, pages 1-3) that executes the set of instructions (page 2) as described in claim 1.

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent

to applicant's disclosure.

* Ball, Thomas J. et al., US 20020120648 A1, "Identifying changes in on-line data

  repositories", (...the system maintains an archive, which contains a copy of one

  version of each listed document, and material from which the other versions can

  be reconstructed.).

* Koshisaka; Yoshihiro, US 6629109 B1, "System and method of enabling file

  revision management of application software", (...file revision management

  system for executing file revision management when an application operating on

  an operating system of a computer system saves a file by file overwrite includes a

  file manipulation monitoring section and a processing section implemented by

  memory-resident software).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shew-Fen Lin   Art Unit 2166
Patent Examiner   June 20, 2006

MOHAMMAD ALI
PRIMARY EXAMINER